

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; STATE OF CALIFORNIA; STATE OF ILLINOIS; STATE OF RHODE ISLAND; STATE OF NEW JERSEY; COMMONWEALTH OF MASSACHUSETTS; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; STATE OF HAWAII; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NORTH CAROLINA; STATE OF NEW MEXICO; STATE OF OREGON; STATE OF VERMONT STATE OF WASHINGTON; STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES; U.S. OFFICE OF MANAGEMENT AND BUDGET; MATTHEW J. VAETH, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF THE U.S. OFFICE OF MANAGEMENT AND BUDGET; U.S. DEPARTMENT OF THE TREASURY; SCOTT BESENT, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE TREASURY; PATRICIA COLLINS IN HER OFFICIAL CAPACITY AS TREASURER OF THE U.S.; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; DOROTHY A. FINK, M.D., IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF HEALTH AND HUMAN SERVICES; U.S. DEPARTMENT OF EDUCATION; DENISE CARTER, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF EDUCATION; U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY; CAMERON HAMILTON, IN HIS OFFICIAL CAPACITY AS ACTING ADMINISTRATOR OF THE U.S. FEDERAL EMERGENCY MANAGEMENT

C.A. No. 1:25-cv-00039-JJM-PAS

AGENCY; U.S. DEPARTMENT OF
TRANSPORTATION;
JUDITH KALETA, IN HER OFFICIAL
CAPACITY AS ACTING SECRETARY OF
TRANSPORTATION;
U.S. DEPARTMENT OF LABOR; VINCE
MICONE, IN HIS OFFICIAL CAPACITY AS
ACTING SECRETARY OF LABOR; U.S.
DEPARTMENT OF ENERGY; INGRID KOLB, IN
HER OFFICIAL CAPACITY AS ACTING
SECRETARY OF THE U.S. DEPARTMENT OF
ENERGY; U.S. ENVIRONMENTAL
PROTECTION AGENCY; JAMES PAYNE, IN HIS
OFFICIAL CAPACITY AS ACTING
ADMINISTRATOR OF THE U.S.
ENVIRONMENTAL PROTECTION AGENCY;
U.S. DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, IN HER CAPACITY
AS SECRETARY OF THE U.S. DEPARTMENT
OF HOMELAND SECURITY; U.S.
DEPARTMENT OF JUSTICE; JAMES R.
McHENRY III, IN HIS OFFICIAL CAPACITY AS
ACTING ATTORNEY GENERAL OF THE U.S.
DEPARTMENT OF JUSTICE; THE NATIONAL
SCIENCE FOUNDATION and DR.
SETHURAMAN PANCHANATHAN, IN HIS
CAPACITY AS DIRECTOR OF THE NATIONAL
SCIENCE FOUNDATION,

Defendants.

AFFIRMATION OF KENNETH J. SUGARMAN

KENNETH J. SUGARMAN, an attorney admitted to practice *pro hac vice* before this Court, does hereby state the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am Kenneth J. Sugarman, Deputy Attorney General in the State of California's Department of Justice, who appears on behalf of the State of California in this action.

2. I submit this declaration as supplemental evidence in further support of Plaintiffs' Motion for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65. The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. I have attached hereto this affirmation true and correct copies (redacted to protect attorney-client privilege and the privacy of the employees) of the following emails received by the California Governor's Office and the Hawai'i Attorney General's Office and forwarded to my office:

- A. An email sent Thursday, January 30, 2025 at 8:33 a.m. Pacific Standard Time, forwarding an email chain between an employee of the Environmental Protection Agency (EPA)'s Grant Services Branch and an employee of Atma Connect, sent Thursday, January 30, 2025 at 7:50 a.m. Mountain Standard Time (9:50 a.m. EST); and
- B. An email sent January 30, 2025 at 2:27 p.m. Pacific Standard Time, forwarding an email chain between an EPA financial specialist and an accountant in the Hawai'i Department of Land and Natural Resources, sent Wednesday, January 29 at 9:23 a.m. Hawaii Standard Time (2:23 p.m. EST).

4. Both emails from EPA respond to substantively similar requests from, in the first case, a not-for-profit non-governmental organization (Atma Connect), and in the second case, the Hawai'i Department of Natural Resources, alerting EPA to their inability to draw down already-awarded funds in the Automated Standard Application for Payments (ASAP) system that federal agencies use to disburse federal financial assistance under executed grant agreements and similar instruments.

5. Both EPA emails use identical language to respond to the recipient's request: "EPA is working diligently to implement the Office of Management and Budget's memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump's priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum."

6. Both EPA emails were sent after the purported rescission of the federal Office of Management and Budget's Memo M-25-13, which purported rescission, on information and belief, occurred around 1 p.m. EST on January 29, 2025.

I declare the above under penalty of perjury pursuant to 28 U.S.C. § 1746.

Dated: San Francisco, California
January 30, 2025



Kenneth L. Sugarman
Deputy Attorney General

Exhibit 1

From: [REDACTED] <[REDACTED]@usclimatealliance.org>
Sent: Thursday, January 30, 2025 8:33 AM
To: [REDACTED] <[REDACTED]@gov.ca.gov>
Subject: FW: ASAP account

[REDACTED] Please see below email from EPA today indicating that funds are still paused, and that the agency is still citing OMB's rescinded memo.

[REDACTED] | U.S. Climate Alliance

From: [REDACTED] <[REDACTED]@environmentalprotectionnetwork.org>
Date: Thursday, January 30, 2025 at 11:29 AM
To: [REDACTED] <[REDACTED]@usclimatealliance.org>, [REDACTED] <[REDACTED]@lawyersforgoodgovernment.org>
Subject: Fwd: ASAP account

From: [REDACTED] <[REDACTED]@epa.gov>
Date: January 30, 2025 at 7:50:43 AM MST
To: [REDACTED] <[REDACTED]@epa.gov>, [REDACTED] <[REDACTED]@atmaconnect.org>
Cc: [REDACTED] <[REDACTED]@atmaconnect.org>, [REDACTED] <[REDACTED]@epa.gov>
Subject: RE: ASAP account

Good morning,

Until further notice, funds will not be available for this grant.

EPA is working diligently to implement the Office of Management and Budget's memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump's priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum.

Regards,

[REDACTED]
U.S. EPA
Grants Services Branch
RTP-Finance Division, NC

Phone [REDACTED]
Email [REDACTED]

[Forward Payments & Federal Financial Reports \(SF-425\)](#)
[EPA Finance Home Page](#)
[Search for Federal Financial Reports \(SF-425\)](#)



From: [REDACTED] <[REDACTED]@epa.gov>
Sent: Thursday, January 30, 2025 9:31 AM
To: [REDACTED] <[REDACTED]@atmaconnect.org>
Cc: [REDACTED] <[REDACTED]@atmaconnect.org>, [REDACTED] <[REDACTED]@epa.gov>, [REDACTED] <[REDACTED]@epa.gov>
Subject: RE: ASAP account

Hi [REDACTED]

I've added [REDACTED], EPA Financial Specialist, to see if [REDACTED] can assist you. Please also copy rtpfcgrants@epa.gov for drawdowns and ASAP related questions.

Thanks!

[REDACTED]
Grants Management Specialist
Grants & Compliance Management Branch
EPA - Region 2
[REDACTED] [\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)



From: [REDACTED] <[REDACTED]@atmaconnect.org>

Sent: Wednesday, January 29, 2025 2:46 PM

To: [REDACTED] <[REDACTED]@epa.gov> <[REDACTED]@epa.gov>

Cc: [REDACTED] <[REDACTED]@atmaconnect.org>

Subject: ASAP account

Importance: High

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hello [REDACTED],

Atma has not been able to execute a drawdown on ASAP since yesterday. Since we are doing our drawdowns currently as expense reimbursements, it is important for us to know when the system will be available again for us to use.

The error I receive is screenshots below. The Account ID is the one I always use when accessing the system. Please advise, and I am happy to get on a call at your earliest convenience. [REDACTED].

Initiate Payment Requests (PR)

Step 1 of 4 (Continued) Retrieve Accounts

ERROR 839: No accounts found matching criteria.

Enter one or more of the following

Recipient ID : 7232618

ALC / Region : 68128933

Account ID (or partial) : 5B96214124

Continue

Help for this
Step

Warm regards,

[REDACTED]

Exhibit 2

[REDACTED]

From: [REDACTED] <[REDACTED]@hawaii.gov>

Sent: Thursday, January 30, 2025 2:27 PM

To: [REDACTED]@doj.ca.gov; [REDACTED]@doj.ca.gov;

Kenneth Sugarman <Kenneth.Sugarman@doj.ca.gov>

Subject: FW: ASAP Draw Down Status

Importance: High

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

[REDACTED]
[REDACTED]
Department of the Attorney General, State of Hawai'i

Ka 'Oihana O Ka Loio Kuhina

Phone: [REDACTED]

Email: [REDACTED]

Pronouns: [REDACTED]

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From: [REDACTED]@hawaii.gov>

Sent: Thursday, January 30, 2025 12:25 PM

To: [REDACTED]@hawaii.gov>

Cc: [REDACTED]@hawaii.gov>

Subject: FW: ASAP Draw Down Status

Importance: High

Hi [REDACTED]

Forwarding this email from [REDACTED]

Mahalo
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Department of the Attorney General

Ka 'Oihana O Ka Loio Kuhina

425 Queen Street

Honolulu, Hawaii 96813

Tel: [REDACTED]

Fax: [REDACTED]



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From: [REDACTED] <[REDACTED]@hawaii.gov>

Sent: Thursday, January 30, 2025 12:23 PM

To: [REDACTED] <[REDACTED]@hawaii.gov>

Subject: FW: ASAP Draw Down Status

Importance: High

From: [REDACTED] <[REDACTED]@hawaii.gov>

Sent: Thursday, January 30, 2025 12:22 PM

To: [REDACTED] <[REDACTED]@hawaii.gov>

Cc: [REDACTED] <[REDACTED]@hawaii.gov>

Subject: FW: ASAP Draw Down Status

From: [REDACTED] <[REDACTED]@epa.gov>

Sent: Wednesday, January 29, 2025 9:23 AM

To: [REDACTED] <[REDACTED]@hawaii.gov>; [REDACTED] <[REDACTED]@epa.gov>

Cc: [REDACTED]@hawaii.gov>; [REDACTED]@hawaii.gov>
Subject: [EXTERNAL] RE: ASAP Draw Down Status

Good afternoon [REDACTED]

EPA is working diligently to implement the Office of Management and Budget's memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump's priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum.

Respectfully,



EPA Finance Home Page: <http://www2.epa.gov/financial> | Search for SF425s: <https://www.epa.gov/grants/epa-grantee-forms> | Forward payments & SF425s: rtpfc-grants@epa.gov | Org Email: rtpfc-grants@epa.gov | [RTP-FC Customer Service Survey](#)

From: [REDACTED]@hawaii.gov>
Sent: Wednesday, January 29, 2025 2:18 PM
To: [REDACTED]@epa.gov>; [REDACTED]
[REDACTED]@epa.gov>
Cc: [REDACTED]@hawaii.gov>; [REDACTED]@hawaii.gov>
Subject: ASAP Draw Down Status

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Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi [REDACTED],

I currently have 2 invoices needs to process, but our Climate grant (98T67001) account in ASAP is suspended since yesterday afternoon and it is till suspended this morning (HST). Would you let me know if there is a time that the account will be available in ASAP please? Account info as attached.

Thank you,

[REDACTED]

Accountant

Administrative Services Office - Fiscal Office

Department of Land and Natural Resources

Office: [REDACTED]

Email: [REDACTED]